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A PRACTICAL APPROACH TO DIVERSITY, EQUALITY, AND INCLUSION

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Melissa Whitehead

Melissa draws on her years of experience defending employers in litigation to provide sound, practical advice on a wide variety of issues that face employers on a daily basis – on subjects ranging from personnel decisions, navigating leaves of absences and accommodation requests, wage and hour issues – and creating policies and templates that will benefit clients on an ongoing basis. Melissa loves getting to know clients and their businesses, which enables her to provide practical and insightful guidance.

Melissa also regularly conducts impartial workplace investigations involving complex issues, including claims of sexual harassment, hostile work environment, racial discrimination, and retaliation. Melissa's expertise in this area is appreciated by public and private sector employers.

Among Melissa's other passions, she relishes training employees of all levels on topics such as EEO compliance, effectively managing accommodations, and the legal implications of COVID-19. Her humor and real-life case studies bring these subjects to life and keep participants engaged.



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PLEASE NOTE...

- This program is intended to be a general overview, and should not be considered legal advice regarding any specific situation
- Consult with your counsel before making any changes to your policies, practices, or procedures



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WELCOME!



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TRAINING OBJECTIVES

- Discuss the critical importance of diversity to healthy organizations
- Explore the concept of implicit bias and how it plays out in the workplace
- Discuss best practices to avoid bias in decision making and hiring



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THE "NEW MODEL" FOR DIVERSITY

- Focused on workplace needs
- Focused on more than the traditional definition of "diversity" as based on a protected characteristic
- The "business case" for diversity (e.g., increased productivity, better client relations, etc.)

How will building more inclusive workplaces help your city accomplish its mission?



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THE PROBLEM OF UNCONSCIOUS BIAS

To survive in everyday life, we all need to make constant snap judgments. We make those quick decisions without thinking them through

The problem arises when we make those judgments in a way that disadvantages the people around us



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THE PROBLEM OF UNCONSCIOUS BIAS (cont.)

We receive **11 million bits of information** every moment.

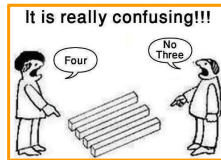
We can only consciously process **40 bits**.



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OUR INABILITY TO PERCEIVE LEADS TO MISPERCEPTIONS

- Recruiting
- Hiring
- Promotions
- Assignments
- The list goes on!



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THE PROBLEM OF CONFIRMATION BIAS

- We tend to seek out what we already believe to be true
- For example, the capacity to "take charge" is still considered to be a largely male characteristic
- The theory is that we seek out males in leadership roles because we associate males with being leaders
(and the loop just keeps going and going!)



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THE MONTHLY SALES MEETING EXPERIMENT

- Everyone is listening in to the monthly sales meeting
- One participant, "Eric" or "Erica," is called on seemingly at random to critique the sales team's performance
- Two scripts are used:
 - The "critiquer"
 - The "agent of change"
- The listeners are then asked to assess the leadership skills of the speaker
- So what happens?



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WAYS TO OVERCOME WORKPLACE BIAS



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OVERCOMING BIAS IN EMPLOYMENT

- Understand existing inequities
- Regularize the hiring and promotion process
 - Use standardized assessment tools
 - Ask structured interview questions based on the qualities and skill sets required to do the job
- Rely on diverse hiring and interview panels



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OVERCOMING BIAS ON A PERSONAL BASIS

- Pause to question our own assumptions (check out the Harvard Implicit Association Tests: <https://implicit.harvard.edu/implicit/takeatest.html>)
- Beware of our subtle messages
- Collaborate more
- Address instances of inherent bias (including our own)
- Remember the goal is to be inclusive, not cast blame



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QUESTIONS/COMMENTS



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2021 SHAW LAW GROUP, PC WEBINARS

[\(https://shawlawgroup.com/employment-law-training-calendar/\)](https://shawlawgroup.com/employment-law-training-calendar/)

Two-Day Workshop: Managing Leaves of Absence and Reasonable Accommodations

September 28 and October 5

Multi-Day Internal Investigation Intensive Workshop

October 7, October 14, and October 21

Sexual Harassment Prevention and Other EEO Issues (For All Employees, Including "Supervisors")

October 13
December 7

Sexual Harassment Prevention and Other EEO Issues (Non-Supervisors)

October 19
December 2

California Employee Handbook Changes for 2022

November 2

Annual Employment Law Update (2022)

November 18, 2021
December 1, 2021
January 13, 2022

COMPLIMENTARY 2021 WEBINARS

**Join us for “Wednesday Wake Up with Jen” and “Workplace Insights
with Jen and the DFEH!”**

Check out dates and topics here:

<https://shawlawgroup.com/employment-law-training-calendar/>



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